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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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THE NATIONAL AGRICULTURAL
COUNCIL

In re:)	PACA Docket No. D-99-0007
)	
L & P Fruit Corp)	
)	
Respondent)	Decision Without Hearing
)	By Reason of Consent

Preliminary Statement

This is a disciplinary proceeding under the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499a et seq.; hereinafter referred to as the "Act"), instituted by a Complaint filed by the Associate Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service, United States Department of Agriculture.

The Complaint alleges that during the period of September 1997 through September 1998, Respondent L & P Fruit Corp (hereinafter "Respondent") committed wilful, flagrant and repeated violations of section 2(4) of the Act by failing to make full payment promptly to 25 sellers of the agreed purchase prices in the total amount of \$4,568,082.16 for 314 lots of perishable agricultural commodities, which it purchased, received and accepted, in interstate and foreign commerce. Complainant requests a finding that Respondent committed wilful, flagrant and repeated violations of section 2(4) of the Act (7 U.S.C. § 499b(4)).

Complainant and Respondent have agreed to the entry of a Decision and Order as set forth herein. Therefore, pursuant to the consent decision provisions of the Rules of Practice (7 C.F.R. § 1.138), the following Decision and Order is issued without further procedure or hearing.

Findings of Fact

1. Respondent, L & P Fruit Corp is a New York corporation whose business and mailing address is 355 New York City Terminal Market, Bronx, New York 10474.

2. Pursuant to the licensing provisions of the PACA, license number 9500481 was issued to Respondent on August 15, 1984. This license has been renewed annually and is next subject to renewal on August 15, 1999.

3. The Secretary has jurisdiction over Respondent and the subject matter involved herein.

4. As more fully set forth in paragraph III of the Complaint, during the period of September 1997 through September 1998, Respondent failed to make full payment promptly to 25 sellers of the agreed purchase prices, or balances thereof, in the total amount of \$4,568,082.16 for 314 lots of perishable agricultural commodities purchased, received and accepted, in interstate and foreign commerce.

Conclusions

Respondent's failure to make full payment promptly with respect to the transactions set forth in Finding of Fact No. 4, above, constitutes wilful, repeated and flagrant violations of Section 2(4) of the Act (7 U.S.C. § 499b(4)), for which the Order below is issued.

Order

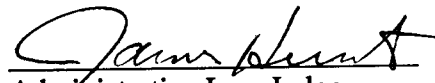
A finding is made that Respondent committed wilful, repeated and flagrant violations of section 2(4) of the Perishable Agricultural Commodities Act (7 U.S.C. § 499b(4)), and that the license of the Respondent is hereby revoked.

This order shall become final upon issuance.

Copies hereof shall be served upon the parties.

Issued at Washington, D.C.

This 29th day of April, 1999


Administrative Law Judge


FOR RESPONDENT



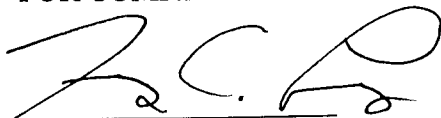
Patrick Prisco
President
L & P Fruit Corp



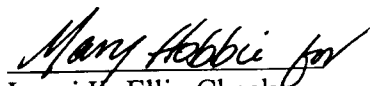
Paul T. Gentile
Gentile & Dickler
Attorney for Respondent


FRANK S. VIGLIAROLO
Notary Public, State of New York
No. 4920551
Qualified in Nassau County
Commission Expires Oct. 2, 1999
2005

FOR COMPLAINANT



Eric M. Forman
Associate Deputy Administrator
Fruit and Vegetable Programs
Agriculture Marketing Service



Imani K. Ellis-Cheek
Attorney for Complainant